

CHAPTER NO. 929**HOUSE BILL NO. 3514**

By Representatives McMillan, Marrero, Overbey, Brenda Turner, Coleman, Bowers

Substituted for: Senate Bill No. 3390

By Senators Crutchfield, Clabough

AN ACT to amend Tennessee Code Annotated, Title 33, relative to judicial proceedings under the title.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, title 33, chapter 3, part 5, is amended by adding the following new sections:

33-3-505. (a) Any judicial proceeding under this title may be conducted by the use of audio visual technology as set out in this act.

(1) For proceedings under chapter 6, part 4, the use of audio visual technology is permissible at the court's discretion, but the court may grant any reasonable request by counsel, a party, or a guardian ad litem to conduct the proceedings in the physical presence of the court.

(2) For any other proceedings under this title, the use of audio visual technology is permissible with the agreement of all parties and at the court's discretion.

(b) Subject to availability of suitable equipment, notwithstanding any provision of law to the contrary, proceedings may be conducted through two-way electronic audio-video communication without the physical presence of the defendant, plaintiff, witnesses or attorneys before the court. Any such hearing must be conducted so that:

(1) the defendant, plaintiff, and judge can see and hear each other throughout the entire hearing (except for the private communications excluded under subdivision (5));

(2) the judge, defendant, plaintiff and their attorneys can see and hear all witnesses while they testify orally during the hearing;

(3) the judge, defendant, plaintiff and their attorneys can hear all questions asked of witnesses during their testimony;

(4) the judge, defendant, plaintiff and their attorneys can hear all questions, statements, objections, motions and argument of any attorney or party participating in the hearing; and

(5) the defendant and defendant's attorney and plaintiff and plaintiff's attorney can communicate privately with each other during the hearing.

33-3-506. Pleadings and any certificates of need for care and treatment that must be filed in proceedings under chapters 5 through 8 may be delivered to the court by telefax transmission in conformity with the Tennessee Rules of Civil Procedure.

SECTION 2. This act shall take effect on July 1, 2004, the public welfare requiring it.

PASSED: May 19, 2004



JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of June 2004



PHIL BREDESEN, GOVERNOR